

**Merchant Marine Personnel Advisory Committee  
Bylaws**

**ARTICLE I            AUTHORITY**

Section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, codified at Title 46, United States Code, section 8108 establishes the Merchant Marine Personnel Advisory Committee as a statutory Committee. This Committee will operate under the provisions of the *Federal Advisory Committee Act* (Title 5, United States Code, Appendix).

**ARTICLE II           PURPOSE**

The Merchant Marine Personnel Advisory Committee shall act solely in an advisory capacity to the Secretary of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States Merchant Marine including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States Merchant Marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary; and may make available to Congress recommendations that the Committee makes to the Secretary.

**ARTICLE III           MEMBERSHIP AND MEMBER RESPONSIBILITIES**

Section 1.     Composition. The Committee shall consist of not more than 19 members who are appointed by and serve terms of a duration determined by the Secretary of Homeland Security. To assure a balanced representation, members shall be appointed, insofar as practicable, from the following groups and in the following numbers:

- A.     Nine United States citizens with active licenses or certificates issued under chapter 71 or merchant mariner documents issued under chapter 73, including:
  - (1)     Three deck officers who represent the viewpoint of merchant marine deck officers, of whom: Two shall be licensed for oceans any gross tons; one shall be licensed for inland or river route with a limited or unlimited tonnage; two shall have a master's license or a master of towing vessels license; one shall have significant tanker experience; and, to the extent practicable, one shall represent the viewpoint of labor; and another shall represent a management perspective;
  - (2)     Three engineering officers who represent the viewpoint of

merchant marine engineering officers, of whom: Two shall be licensed as chief engineer any horsepower; one shall be licensed as either a limited chief engineer or a designated duty engineer; and, to the extent practicable, one shall represent a labor viewpoint; and another shall represent a management perspective;

- (3) Two unlicensed seamen, of whom: One shall represent the viewpoint of able bodied seamen; and another shall represent the viewpoint of qualified members of the engine department; and,
- (4) One pilot who represents the viewpoint of Merchant Marine pilots;

B. Six marine educators, including:

- (1) Three marine educators who represent the viewpoint of maritime academies including:
  - a. Two who represent the viewpoint of State maritime academies are jointly recommended by such State maritime academies;
  - b. One who represents either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and,
- (2) Three marine educators who represent the viewpoint of other maritime training institutions, one of whom shall represent the viewpoint of the small vessel industry;
- (3) Two individuals who represent the viewpoint of shipping companies employed in ship operation management; and,
- (4) Two members who are appointed from the general public.

Section 2. Appointments. The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary upon the recommendation of the Commandant of the United States Coast Guard. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote.

Section 3. Terms of Office. Members serve terms of office of up to three years, and approximately one-third of the members terms of office expire each year. No member can serve more than two consecutive terms unless the Secretary of the Department of Homeland Security waives the term limit for that specific member. A member appointed to fill an unexpired term that is vacated serves a full term of office. In the event the Merchant Marine Personnel Advisory Committee terminates, all appointments to the Committee terminate.

Section 4. Certification of Non-Lobbyist Status. Two members of the Merchant Marine Personnel Advisory Committee are appointed in their individual capacity and are designated as Special Government Employee as defined in 202(a) of Title 18, United States Code. Federally registered lobbyists, as defined in section 1602(a)

of Title 18, United States Code, are not eligible to serve on federal advisory Committees in their individual capacity- see "Revise Guidance Notice (79 FR 47482, August 13, 2014). Special Government Employee members of the Merchant Marine Personnel Advisory Committee may not be federally registered lobbyists. If at any time after appointment, a Merchant Marine Personnel Advisory Committee Special Government Employee member registers as a Federal lobbyist with the Secretary of the U.S. Senate or with the Clerk of the House of Representatives, he or she must immediately inform the Designated Federal Officer. Also, before October 1st of each year, members of the Merchant Marine Personnel Advisory Committee appointed that year must (1) complete and sign the Department of Homeland Security Declaration Regarding Lobbyist Status Form certifying that he or she is not registered as a Federal lobbyist or (2) inform the Designated Federal Officer that he or she does not qualify to complete the form. Merchant Marine Personnel Advisory Committee Special Government Employee members must submit this declaration to the Designated Federal Officer. Special Government Employee members who register as a lobbyist after the appointment or reappointment to the Merchant Marine Personnel Advisory Committee will be replaced. The Designated Federal Officer will assure that Special Government Employee candidates for appointment are not federally registered lobbyists, required by section of 1603 of Title 2, United States Code to register with the Secretary of the Senate and Clerk of the House of Representatives.

Section 5. Members' Responsibilities. Because the membership of the Merchant Marine Personnel Advisory Committee is constructed to balance as many aspects and viewpoints of the industry as possible, member attendance and participation at meetings are vital. Members are expected to personally attend and participate at Committee meetings. The Commandant of the United States Coast Guard may recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced on the Committee. Members of the Merchant Marine Personnel Advisory Committee may be recommended for removal for reasons such as, but not limited to:

- A. Missing two consecutive meetings, or not participating in the Committee's work.
- B. Registering as a lobbyist after appointment.
- C. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 6. Restriction on Members Activities.

- A. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies.

Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.

- B. The Committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the Merchant Marine Personnel Advisory Committee, individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- C. Members of the Merchant Marine Personnel Advisory Committee are advisors to the agency and have no authority to speak for the Committee, the United States Coast Guard or for the Department of Homeland Security outside the Committee structure.
- D. Members may not testify before Congress in their capacity as a member of the Merchant Marine Personnel Advisory Committee. If requested to testify before Congress, members of the Committee:
  - (1) Cannot represent or speak for the Committee, Department of Homeland Security, any agency, or the Administration in their testimony;
  - (2) Cannot provide information or comment on Committee recommendations that are not yet publicly available;
  - (3) May state they are a member of the Committee; and,
  - (4) May speak to their personal observations as to their service on the Committee.
- E. If speaking outside the Committee structure at other forums or meetings, the restrictions in Article III, Section 6 (D) also apply.

#### **ARTICLE IV      OFFICIALS**

Section 1. Chairperson and Vice-Chairperson. The Director of Commercial Regulations and Standards shall designate one member of the Committee as the Chairperson and one member as the Vice-Chairperson for a term of one year. The Vice-Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of the Chairperson. In addition to chairing the Merchant Marine Personnel Advisory Committee meetings, the Chairperson shall assist the Designated Federal Officer (see Section 2 below) in developing meeting agendas and establishing Committee priorities. The Chairperson shall certify the accuracy of minutes within 90 days of the meeting to which they relate.

Section 2. Designated Federal Officer. The Designated Federal Officer serves as the Department's agent for all matters related to the Merchant Marine Personnel

Advisory Committee and is appointed by the Director of Commercial Regulations and Standards. In accordance with the provisions of the Federal Advisory Committee Act, the Designated Federal Officer must:

- A. Approve or call meetings of the Committee and its subcommittees.
- B. Approve agendas for Committee and subcommittee meetings.
- C. Attend all meetings of the Committee, and adjourn those meetings when doing so is in the public interest.
- D. Chair meetings of the Committee when directed to do so by the Director of Commercial Regulations and Standards.
- E. The Designated Federal Officer is also responsible for assuring administrative support functions are performed and include the following:
  - (1) Notifying members of the time and place of each meeting;
  - (2) Tracking all recommendations of the Committee;
  - (3) Maintaining the record of members' attendance;
  - (4) Preparing the minutes, as required, of all Committee meetings, including subcommittee and working group activities;
  - (5) Attending to official correspondence;
  - (6) Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
  - (7) Reviewing and updating information on Committee activities in the Shared Management System (aka, Federal Advisory Committee Act database) on a monthly basis;
  - (8) Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
  - (9) Preparing and handling all reports, including the annual report as required by the Federal Advisory Committee Act.
- F. In addition, the Designated Federal Officer may also extend a permanent invitation to government agencies with equity in the Merchant Marine Personnel Advisory Committee's activities to participate as Official Observers to the Committee and its Subcommittees. The Designated Federal Officer may also develop liaisons with other Federal Advisory Committees to provide expertise and receive input relative to the Merchant Marine Personnel Advisory Committee's purpose as defined in Article II.

Section 3. Alternate Designated Federal Officer. An Alternate Designated Federal Officer serves as an assistant to the Designated Federal Officer. An Alternate Designated Federal Officer is appointed by Chief, Office of Merchant Mariner Credentialing, United States Coast Guard.

## ARTICLE V MEETING PROCEDURES

- Section 1. Meeting Schedule and Call of Meetings. Meetings of the Merchant Marine Personnel Advisory Committee may be held with the approval of the Designated Federal Officer; it is expected the Committee will meet twice per year. Members may be reimbursed for travel and per diem. All travel for Committee business must be approved in advance by the Designated Federal Officer. Committee meetings are open to the public unless a determination is made by the appropriate Department of Homeland Security official in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with Title 5, United States Code, subsection (c) of section 552b. All meetings of the Merchant Mariner Personnel Advisory Committee, whether in person or teleconference, must be approved in advance by the Designated Federal Officer and the Designated Federal Officer (or Alternate Designated Federal Officer) must participate in each.
- Section 2. Agenda. The Designated Federal Officer, in consultation with the Chairperson, shall develop and approve agendas for all Committee and subcommittee meetings, distribute agendas to the members prior to the meeting, and publish the agenda in the *Federal Register* a minimum of 15 calendar days in advance of the meeting date.
- Section 3. Quorum. A quorum of 10 Committee members attending the Merchant Marine Personnel Advisory Committee meeting is required to vote on issues being addressed. The Designated Federal Officer will determine if a quorum exists at the beginning of each meeting of the Committee. If a quorum does not exist, the meeting may continue, but no action may be taken by the members present.
- Section 4. Task Statements.
- A. The Designated Federal Officer retains sole authority for assigning all task statements to the Committee for consideration. The Designated Federal Officer may receive suggestions from Committee members, the public or the Agency in the formation of a task statement. It is the responsibility of the Designated Federal Officer to determine if the task is in accordance with the duties of the Committee as specified in the Committee's approved charter. If, after review, the Designated Federal Officer determines the task is in accordance with the duties of the Committee, the Designated Federal Officer will place the presentation of the assigned task on the agenda for the next meeting. The Designated Federal Officer shall also ensure that a copy of the assigned task is placed on the Committee website in advance of the Committee meeting to ensure the public has an opportunity to view the assigned task statement.

- B. Once new tasking has been accepted, by Committee vote, the Committee shall establish a subcommittee and vote to designate a member (or members) to serve as the subcommittee chairperson to prepare a formal response to the Designated Federal Officer for the assigned tasking. The subcommittee chairperson will be responsible for organizing the subcommittee, preparing minutes from the subcommittee meetings, and for presenting the subcommittee's recommendations to the Committee for formal approval.

Section 5. Voting Procedures.

- A. Any item presented to the Committee for the Committee's approval must be made available to the public in advance of a Committee meeting, must be discussed by the Committee during the meeting, and must receive a majority vote of the Committee.
- B. Only Committee members present at a meeting may vote on an item under consideration. No proxy votes will be allowed. All votes must be recorded in the minutes of the meeting (or on the transcript if one is taken).
- C. Formal motions must take place when voting.

Section 6. Minutes. The Designated Federal Officer will prepare the minutes of each meeting and distribute copies to each Committee member. Minutes of open meetings will be available on the United States Coast Guard's homeport website (<https://homeport.uscg.mil/mycg/portal/ep/home.do>) under Ports and Waterways → Safety Advisory Committees → Merchant Marine Personnel Advisory Committee.

- A. The minutes will include a record of:
  - (1) The time, date, and place of the meeting;
  - (2) A list of all attendees including members, staff, and the public;
  - (3) An accurate description of each matter discussed and the resolution, if any, made by the Committee;
  - (4) Copies of reports or other documents received, issued, or approved by the Committee; and
  - (5) An accurate description of public participation, including oral and written statements provided.
- B. The Designated Federal Officer will ensure that the Chairperson certifies the minutes within 90 calendar days of the meeting to which they relate.

Section 7. Open Meetings. Unless otherwise determined in advance, all meetings of the Merchant Marine Personnel Advisory Committee shall be open and announced to the public in a notice published in the *Federal Register* at least 15 calendar days

before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting. If meeting materials are not provided to the public prior to the meeting with sufficient time for the public to submit written comments, meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the Committee at any time. All materials provided to the Committee shall be available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.

Section 8. Closed Meetings. All or parts of meetings of the Merchant Marine Personnel Advisory Committee may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the Commandant of the United States Coast Guard issues a written determination that there is justification for closure under the provisions of subsection (c) of 5 United States Code, 552b, the *Government in the Sunshine Act* (Sunshine Act). Where the Designated Federal Officer has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Designated Federal Officer or Chairperson will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by the Designated Federal Officer, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

## **ARTICLE VI           EXPENSES AND REIMBURSEMENTS**

The Office of Merchant Mariner Credentialing, United States Coast Guard is responsible for providing financial support to the Merchant Marine Personnel Advisory Committee. Committee members are not compensated for their services but, upon their request, may be reimbursed for travel expenses, subsistence, and accommodations as allowed by current regulations. All travel for Committee business must be approved in advance by the Designated Federal Officer.

## **ARTICLE VII           ADMINISTRATION**

The Office of Merchant Marine Credentialing, United States Coast Guard is responsible for providing clerical and administrative support to the Merchant Marine Personnel Advisory Committee.



## **ARTICLE VIII      SUBCOMMITTEES**

The Designated Federal Officer may approve the establishment of subcommittees for any purpose consistent with the Merchant Mariner Personnel Advisory Committee charter. Such subcommittees may not work independently of the chartered Committee and must present their work to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Merchant Marine Personnel Advisory Committee and may not report directly to the Federal government or any other entity. The Chairperson may designate members of the Committee and recommend to the Designated Federal Officer members of the public to serve on subcommittees or working groups. The subcommittee chairperson shall be a Committee member.

## **ARTICLE IX      RECORDKEEPING**

The Designated Federal Officer is responsible for maintaining all records of the Merchant Marine Personnel Advisory Committee, formally and informally established subcommittees, and other subgroups of the Committee in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records are available for public inspection and copying, in accordance with the *Freedom of Information Act* (Title 5, United States Code, section 552).

## **ARTICLE X      RECOMMENDATIONS AND REPORTING**

Recommendations are discussed, and amended as necessary, and voted upon at an open meeting. Upon approval by the Committee, recommendations are presented to the United States Coast Guard by the Committee Chairman. The United States Coast Guard tracks all the Merchant Marine Personnel Advisory Committee recommendations and advises the Committee of action taken on its recommendations at its regular semi-annual public meetings.

## **ARTICLE XI      BYLAWS APPROVAL AND AMENDMENTS**

The Designated Federal Officer may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.

  
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Mayte Medina,  
Designated Federal Officer

12/12/2010  
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Date Approved: